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# CHRISTIANITY and CRISIS

*A Christian Journal of Opinion*

## Berlin: Restraint and Discrimination in a Crisis

One of the chief dangers in a democracy is that in order to create sufficient firmness among the people to meet a crisis the Government may encourage a greater belligerence and intransigence in the nation at large than it desires. There are signs of this already in connection with the popular attitudes toward the crisis in Berlin, though it is not too late for second thoughts governed by greater restraint and discrimination.

Most of the President's own utterances have been excellent; yet what he has said and done about military measures have had far more reverberations than his statements about negotiations. Some weeks ago James Reston called attention to the fact that, while the leaders in the Administration have been deeply concerned with the possibilities of negotiation, the popular mind was preoccupied with the military approach to the crisis. This is, in part, because of the very nature of negotiations, which proceed best without too much publicity.

There are two areas in which there is great need for sober second thoughts. The first is the avoidance of the kind of intransigence that would make negotiations fruitless. The second is discrimination in the mind of the nation about the possible use of nuclear weapons if negotiations should fail. Popular responses to polls about the risk of war

seem to move immediately to the approval of ultimate violence. In Congress the same mentality that would avoid risks with dollars in long-term foreign aid will readily assume maximum military risks in all-out nuclear war.

The fact that there are not two sides to the question of the freedom of the people of West Berlin should not hide the complexity of the larger problem of Germany—and it should not cause us to forget that the Russians have a legitimate concern in regard to Germany to which Western proposals so far have not done justice. No Russian government, Communist or non-Communist, would be faithful to its responsibilities as the government of that country if it did not seek to prevent the emergence of a unified Germany, allied with the Western powers, armed and having access to nuclear weapons.

President Kennedy showed that he had some feeling for this side of the German problem when he said in his recent speech: "We recognize the Soviet Union's historic concern about their security in Central and Eastern Europe, after a series of ravaging invasions. And we believe arrangements can be worked out . . . to meet those concerns." But there is a danger that the national mood may be so belligerent that any such arrangements will be

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rejected as "appeasement." Almost nothing is being done to prepare the public mind for the facing of this side of the German problem.

Of course it is difficult to know when Khrushchev is merely harrassing the Western powers at a most vulnerable point and when he is acting out of this concern for Russian security. Both factors may be involved at the same time, but negotiations over Berlin sooner or later must turn up new arrangements that can both preserve access to West Berlin and provide security for Russia on her western borders as well as giving Khrushchev a face-saving formula.

In the long run it is even more important that this nation have second thoughts about the kinds and the degrees of violence on which it will depend for its defense and for the implementation of its policies. Professor Robert Tucker in *The Just War* shows how our nation, while most reluctant to prepare for war or to engage in war, tends, when it does become involved in war, to throw off all restraints and to give moral sanction to unlimited violence.

We may also add that there has been a habit of associating unlimited violence with the demand for unconditional surrender of the enemy. Unless we become more discriminating than this, our efforts to save the freedom of West Berlin may soon lead to its complete destruction. This all-out kind of thinking when once we become involved in war can easily lead to the defeat of our purposes.

There are two neglected dimensions of this problem that need to be explored. One is the danger that we may drift into the role of the destroyers of whole peoples. Not only would we expose our own cities to destruction but we would become the destroyers of Russian cities. The population of Western Europe might also be decimated. The effect upon the cause of freedom around the world would be disastrous if our nation became the initiator of global nuclear war. The most significant "war guilt" of our period may be attached to the nation most responsible for initiating the nuclear stage of the war regardless of the original issues in the conflict.

Why is so little said among us about this problem? Why are the churches so silent? Perhaps, until the present, the reason for the silence has been the assumption that nuclear deterrence would prevent the war in which nuclear weapons might

be used. But the Berlin crisis should help us to see more clearly the danger that a limited military operation may escalate into a nuclear war.

The other dimension that needs much more attention than it has received is the effect of a nuclear war on the quality of life among the survivors. Far too much of what has been written on this subject has dealt with statistics concerning the number of dead and the number of survivors. But what can be expected to be the morale of the survivors? What about the effect upon the institutions of freedom?

One grim vista appeared when debate began recently as to what the survivors in the suburbs should do to protect their shelter space and their food against the hordes of urban refugees that might descend upon them. The serious suggestion that they should be prepared to shoot these refugees out of self-defense indicates the destruction of community, the descent into barbarism that might follow among the survivors.

Those who would initiate nuclear attacks at some stage in a conflict in the defense of freedom need to have second thoughts. Statistically, a nation of 180,000,000 may absorb 40,000,000 casualties and still be the same nation in the long run. But more attention needs to be given to the moral and emotional effects of such a catastrophe upon the survivors, upon the fabric of the national community.

There is a strange recklessness in much that is said among us about nuclear war as though it might be a means of defending our values. This recklessness may come in part from our national habit in the past of failing to make more distinctions between degrees of violence when involved in war. Perhaps it comes even more today from the optimistic assumption that nuclear war will be prevented only if we are ready to engage in massive retaliation and from the fear that if we debate these issues we may reduce the effectiveness of this insurance against war. All such optimism should now be discredited since the Berlin crisis suggests so clearly how it would be possible for nations, when once they are frustrated in a limited war, to turn that limited war into unlimited nuclear war. Much fresh thinking is needed if, as President Kennedy says so well, we are "to have a wider choice than humiliation or all-out nuclear destruction."

J. C. B.

## De Facto Segregation in New Rochelle

EUGENE FONTINELL

**A**SOPHISTICATED New York suburb with a good record in race relations has paradoxically become, along with Little Rock and New Orleans, a symbol of the continuing struggle to achieve integration in the public schools. And yet to speak of New Rochelle in the same breath with either Little Rock or New Orleans is enough to enrage many of its citizens. They are, of course, correct when they affirm, with no little passion, that New Rochelle is not Little Rock or New Orleans. To make such an identification is a crude simplification—but nevertheless an understandable one inasmuch as these three American cities share one experience: they are all under Federal court order to desegregate some part of their public school system.

The dissimilarities are, to be sure, more numerous and perhaps in the long run more significant. Still—whether fairly or unfairly, deservedly or undeservedly—New Rochelle in the minds of many has become associated with those cities in the South that have achieved notoriety in their efforts to resist the 1954 Supreme Court school desegregation order.

Actually, little can be gained by way of understanding in comparing the New Rochelle situation with those found in the South. A more instructive kind of comparison would be an evaluation of New Rochelle's problem as a kind of microcosm or rough prototype of that facing many communities in the North.

North of the Mason-Dixon line there is little room for feelings of self-righteousness or moral superiority toward New Rochelle. The battle has been joined there, but the implications and the effects will stretch far beyond the city limits of New Rochelle.

The New Rochelle controversy assumed national, perhaps international, proportions when, on January 24, 1961, Judge Irving R. Kaufman of the United States District Court handed down a decision in which he stated: "I conclude that the defendant's conduct violated the Constitution, denying the plaintiffs the right to the equal protection of laws guaranteed by the Fourteenth Amend-

ment." The defendant referred to was the New Rochelle School Board and the plaintiffs were eleven Negro children whose parents had refused to register them in their neighborhood elementary school because in their opinion it was a segregated school.

No appreciation of Judge Kaufman's decision and those that followed is possible unless some attempt is made to understand the rather complicated background factors upon which those decisions were based.

The dispute centers around an elementary school ironically named Lincoln School. Located in a Negro residential area, Lincoln School's registration is 94 per cent Negro. It is, furthermore, an educationally sub-standard building the use of which, all sides agree, should be discontinued.

### How and Why?

Out of these undisputed facts emerges the central, burning issue, which can be stated in simple terms: how and why did Lincoln become virtually an all-Negro school, and what should be done about it now that it is one?

The parties to the dispute, particularly in the last several years, have been, on the one side, the majority of the Board of Education supported by such organizations as the New Rochelle Realty Board, the Columbian Civic League, as well as by the local Macy chain newspaper and the major part of the community. On the other side there has been a consistent two or three member minority of the Board, the New Rochelle branches of such organizations as the NAACP, the Anti-Defamation League, the Catholic Interracial Council, and the American Jewish Congress, and a small but active minority of the general community.

### In This Issue

we are publishing three articles dealing with critical problems in education that will require increasing attention in the time ahead. Eugene Fontinell reports on school desegregation in a Northern town. Harry L. Stearns and Joseph E. Cunneen assess different aspects of the public-parochial school issue in the hope of adding light to the heated discussion.

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Since 1957, the Board majority (henceforth referred to simply as the Board) has maintained that the only feasible solution is to rebuild Lincoln School on its present site and to work diligently to change the segregated housing pattern of the Lincoln area. The Board's opponents have contended that to be realistic it must be recognized that any school built in the heart of a predominantly Negro neighborhood must inevitably remain a segregated school. Judge Kaufman has refrained from passing judgment on the advisability of rebuilding Lincoln School on its present site. He has said simply that, new or old, Lincoln School must be desegregated immediately.

The key factor in Kaufman's decision was an action of the School Board in 1930. At that time a new elementary school was opened and the Board revised the school district lines so that an overwhelming proportion of the Negro pupils were confined to the Lincoln District. As the Negro population increased, the borders of the Lincoln District were adjusted to contain the Negro children. Kaufman judged that these actions were instances of gerrymandering for the express purpose of segregating Negro elementary school pupils. The gerrymandering was clearly the keystone of the case against the Board, and Kaufman considered it "highly significant that the Board has offered no evidence to refute the testimony indicating that this gerrymandering took place."

Another piece of evidence supporting the contention that past boards had played a major role in making Lincoln a segregated school was that until 1949 white children who resided in the Lincoln District were permitted to transfer to other schools so that by 1949 Lincoln was 100 per cent Negro. In January of that year the Board ordered a cessation of all transfers, and by insisting that thereafter all elementary pupils would be compelled to attend the school within their district, succeeded in "freezing" the *de facto* segregation of Lincoln School.

Since 1949 the citizens of New Rochelle have had little rest from the Lincoln School controversy. In 1957 and 1958 professional studies of the situation were undertaken. Both were critical of the actions of the Board.

In November 1959, the Board proposed the rebuilding of Lincoln School on the same site (a similar proposal had been defeated in 1957). The new school was to service 400 pupils, leaving approximately 100 in the present school to be redistributed to adjoining elementary schools. In May 1960, after a vigorous and heated campaign,

the voters of New Rochelle by a three to one majority approved the Board's plan. The referendum carried in every school district except Lincoln, and there it lost 332 to 287. In effect, the citizens elected to continue the Lincoln School as a *de facto* segregated school.

### Confrontation in the Courts

In the fall of 1960 the parents of eleven Negro children in the Lincoln School attempted to register them in several elementary schools in which there were only a small percentage of Negro pupils. The Board refused to transfer them, and their parents then placed them in the hands of a tutor and subsequently initiated the court action in the Federal Court.

The Board throughout has denied that Lincoln or any other school in New Rochelle is segregated in the sense of that term which was outlawed by the 1954 Supreme Court decision. The unfortunate racial imbalance is due, they contend, to existing housing patterns and to the neighborhood school policy in force in all elementary schools in New Rochelle. The Board maintains that such a policy involves a valid and widely accepted educational value and that to violate it would do more harm than good. Judge Kaufman denies that the racial imbalance can be attributed solely to the segregated housing patterns that now exist. He states most explicitly that "this is not a case where the existence of an all-Negro school is an unfortunate fortuity."

As for the neighborhood school policy, Judge Kaufman denies that he is striking it down. In itself it is valid, but the Constitution is violated when this policy is "used as an instrument to confine Negroes within an area artificially delineated in the first instance by official acts."

Judge Kaufman dismisses as irrelevant the fact that in a referendum the Board's proposal was approved by a 3 to 1 majority. He did not feel it necessary to labor the obvious point that "Constitutional rights can certainly never be made dependent upon public choice. . . ."

Perhaps the safest observation that can be made about the problem is that it does not admit of any "ideal" solution. Kaufman, however, rejects the Board's argument that the only solution is to continue the school on a *de facto* segregated basis since, as he puts it, "inability to find a perfect answer is hardly justification for refusal to do anything." Thus, the Court ordered the Board to bring before it by April 14, 1961, a plan to

desegregate Lincoln School beginning not later than the start of the 1961-62 school year.

On May 3, 1961, the Board submitted—under protest—a desegregation plan that in essence would have permitted Lincoln children to transfer to other elementary schools under certain conditions. The U.S. Department of Justice, invited by Kaufman to file an *amicus curiae* brief, was highly critical of the Board's plan and recommended a permissive transfer plan similar to those that had worked successfully in such cities as Baltimore, Oklahoma City and Louisville.

In his final order Kaufman allowed the permissive transfer part of the Board's plan to stand, but he struck down most of the attached conditions. The major condition removed stated: "Any pupil for whom such transfer is sought shall be recommended by his classroom teacher and principal as being able to perform in academically satisfactory fashion on the grade level to which he is assigned, with the recommendation and request being subject to the approval of the Superintendent of Schools." The judge could not see the reason for this "particularly since it is not imposed upon any other transferees. . . ." He was puzzled, he said, by such requirements "in view of the Board's position, strenuously urged throughout the trial, that the Lincoln School is in no way inferior to the other elementary schools in the city. . . ."

After Judge Kaufman's final decree the Board was permitted to take its case to the U.S. Court of Appeals. In its decision on August 2, two judges upheld the lower court; the third sharply dissented.

The majority decision was brief. It concluded that the record supported the lower court's judgment "that the defendant School Board had deliberately created and maintained Lincoln School as a racially segregated school." It further maintained that the plan ordered by Judge Kaufman was "noteworthy for its moderation." The judges felt that it called "for a sincere attempt at recognition of the principle of desegregation in this community."

The dissent is almost five times as long as the majority opinion and does not admit of brief summary. A few points in the decision should, however, be mentioned. The principal point on which the decision was based was that the Lincoln School district had been gerrymandered in 1930. The minority opinion does not deny that the district lines were altered, but it contends "that this alone does not amount to gerrymandering, unless it be shown that the redistricting was done for the purpose of, and resulted in, the exclusion

of white children and the inclusion of Negro children. The proof as to both purpose and effect is fatally defective." The question of proof is, of course, a complicated one and somewhat relative, as is indicated by the fact that the evidence which added up to sufficient proof for three judges left the fourth unconvinced. It is interesting to note, however, that not even the Board majority seriously questioned that the gerrymandering took place.

As for the pre-1949 transfer policy, the minority opinion dismisses it as "completely irrelevant in respect to the situation as it exists in 1961" inasmuch as "the students affected by this policy have progressed beyond the elementary school level." The majority opinion, on the other hand, specified that the deleterious effects of this policy continued after its cessation because it contributed to the formation of a segregated school that still exists.

Two weeks later the Court of Appeals denied the Board a stay of execution. On August 29, Supreme Court Justice William Brennan did likewise. He also said that he was not persuaded that the full Court would grant the Board a hearing.

Throughout the proceedings the Board has insisted upon the willingness to abide by any and all court decisions. It is important that the Board comply not merely to the letter of the law, for if it conveys the impression that it is grudgingly obeying the law then it will be perpetuating an unhealthy community situation. Full implementation of the court's plan will not be easy, but the Board will have a splendid opportunity to show the community the nature of its dedication by rising above the personal views of some of its members. Needless to say, if any of the Board members feel so strongly opposed to the court decision that they cannot in conscience implement it, then they must resign.

If one fact emerges with any clarity from the bewildering fog of bitterness now settled over New Rochelle, it is that communities must strive to settle their controversies *before* they reach the courts. It does not detract from the importance and necessity of the court to recognize, as did Judge Kaufman, that "litigation is an unsatisfactory way to resolve such issues." No one will ever be able to estimate what this dispute has cost New Rochelle in human energy and money.

Those communities that wish to avoid court battles and the tensions that accompany them cannot afford to turn their backs on problems as

they begin to develop. This applies not only to individual citizens but, in particular, to political, religious and civic leaders. In New Rochelle too many of these leaders were conspicuously absent during the long years of the Lincoln School dispute. No doubt each one has his reasons for standing aside during the conflict. It would

be presumptuous to attempt either to pass judgment on their reasons or to specify when and how these men should have involved themselves. Nevertheless, it is safe to say that something is amiss when community leaders in such large numbers remain silent and inactive throughout a long and intense community struggle.

### ***A Public Educator Examines a Hopeful Proposal***

## **Shared Time: Answer to an Impasse?**

**HARRY L. STEARNS**

**I**N THE MIDST of the current debate over public funds to support parochial schools there is growing talk of a new concept of elementary and secondary school organization referred to as shared time. The advocates of the concept claim that it represents a common ground for church people of all denominations and faiths to share in the benefits of tax-supported education without violating the principle of separation of church and state.

An editorial by John C. Bennett in the May 1 issue of *Christianity and Crisis* discussed the proposal favorably. In a televised discussion of public support for parochial schools Leo Pfeffer suggested to Father Neil McCluskey, S.J., that a fuller sharing of the services of the public schools by parochial school children would be an acceptable alternative to the unacceptable direct public subsidy. Claude Nelson, in the April 12 issue of *The Christian Century*, also introduced the idea. The proposal is being explored by leaders of Protestant denominations, by ranking members of the Roman Catholic hierarchy, and by Jewish leaders concerned about the country's educational system. A few public school educators have expressed more than passing interest.

Simply stated, the idea of shared time involves the division of the time of school children between public schools and church schools: certain subjects would be taught in the public schools to all children; other subjects—specifically those of religious content—would be taught to all or part of the same children in church schools of the parents' choice. For example, a Protestant child may study a considerable number of the traditional subjects in the public high school and also attend,

during some portion of his school time, a church school where he receives fuller-than-at-present instruction in religious education. This might include a course in church history that would help him orient his public school history course to his church heritage and, perhaps, a course in Christian ethics that would help him understand that the "moral and spiritual values" emphasized in his school stem from divine rather than human origins.

The Roman Catholic child may study courses in mathematics, industrial arts and physical education in the public school and take the subjects that his church declares to be of religious importance in the parochial school. Jewish children, already in large numbers enrolled in "after school" religious classes, would probably continue in a full use of public school services, but have a more equitable sharing of time for their religious education.

Whatever the use made of the public school by children of the several churches, there would be a full program available to all upon parental choice. Children not claiming any of the time for religious instruction in the churches would, of course, under the compulsory attendance laws continue full time in the public school or in an independent school of the parents' choice.

The plan in theory would remove the argument that parochial schools should be reimbursed for doing the state's job, for parents would be able to claim from the full offering of the public school that portion which they assume to be the state's job, and to obtain from the parochial school at their own or the church's expense only that portion of schooling which is determined to be of such religious import that it cannot be entrusted to lay or public authority. At the same time the separation of church and state should be maintained, for all public school instruction should be at public expense and under full public control,

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and all instruction determined by the respective church leadership to be of religious import should be conducted in church school plants and without public support.

The idea is quite different from the concept of released time, the difference being illustrated by the semantics of the two terms. "Released time" carries the implication that the state has pre-empted the time of the child that is to be used for education but will release some of it to the church. From a religious point of view, the term "shared time" lends itself to the implication that the total time of the child belongs to his Creator, is entrusted to parents, and may be shared by the state and the church in carrying out their respective rolls in nurturing the development of the child.

The possibility that the concept of shared time offers a common ground for compromise of differences over our education of youth and the chance of gaining a united front in support of our system of schools constitute sufficient reason for full exploration of the idea. There already appear potent reasons for the support of the idea by various groups.

Non-Catholics should generally support the right of Roman Catholics to educate their children in parochial schools. Although large segments of the population cannot in good faith consent to the use of public funds for the support of church schools, there are many who will sympathize with the dilemma of a church that has built out of conscience a school system of such size that it is well nigh impossible to support on modern standards of adequate schooling. Therefore, concern for a brother's conscience should lead many to support an idea that promises to offer a measure of relief without doing violence to the principle of separation of church and state.

Moreover, many non-Catholic church people can support the plan for their own benefit as well as out of concern for another's dilemma. Many church leaders of all faiths are concerned over the increasing difficulty of the public schools to give religious context to their teaching. Many church efforts to correct this situation by stepping up the quantity and the quality of religious education programs under church auspices have run into competition with the vigorous, well supported and skillfully conducted program of the public schools, which, under pressure and by default of the homes and the churches, have assumed an increasing amount of the education of the "whole child" to the extent of pre-empting the time, the energy and the enthusiasm of children. The prospect of gaining a

larger share of the child's time for a church-conducted program should be welcome to many church people.

Furthermore, the chance that such a plan offers a means of assuaging the bitterness and divisiveness that is now mounting over the strife for public funds for church schools should appeal to many. To those who, through historical perspective, continue in zeal for separation of church and state, the prospect of compromise without sacrificing our traditional ramparts should offer a worthy hope and a lively interest. With political leadership interested in votes more than in historical perspective, the massive cry for support of church schools sounds ominous to those who would hold those ramparts and who cherish the hope of a united people in the context of religious pluralism. Any plan that offers a promise of easing the strife without loss of religious freedom and the fracture of the wall of separation of church and state should be explored.

Finally, the professional educators, teachers and administrators should welcome the full exploration of the idea, despite the fact that upon these people will fall the tremendous burden of reorganization that the plan will require. Despite the probability that considerable initial resistance may be found among public school personnel who will see the burden before they sense the benefit, there is still good reason to believe that educators are so deeply disturbed about the growing disunity which is destroying the support of public schools that they will welcome the opportunity to join with church leadership in the exploration of the feasibility and the efficacy of shared time.

### **Problems of Organization**

A major reorganization of the public school system will be required in some communities if the plan is to accomplish its purpose. Those school authorities who are frozen in a fixed routine, those who have little sympathy with church problems, and the many persons who resist change will lack enthusiasm for the plan. Were the stakes not so high, the gain would not be worth the effort. However, the strife and disunity and the undermining of our public school system are dangerous elements in the current American scene.

Accepting the importance of public schools, religious schools and independent schools in a democratic society, it is incumbent upon us to ease the strife and to find a means of strengthening all

of these schools at a time when the survival of Western civilization depends upon a strong system of education in the United States. If the proposal for shared time promises to unite the elements of our pluralism without destroying it, then it must be explored; and, if it continues to hold promise, the effort to implement it must be expended.

I would like to turn my attention to some of the problems that would have to be faced in a shared time program.

*The school day.* It is to be assumed that almost all of the children whose parents have no church affiliation will be enrolled full time in the public school. Protestant and Jewish children may be sent to expanded sessions of church or synagogue school, claiming a share of school time for this purpose. Quite probably Roman Catholic parishes will continue to operate extensive parochial schools but will claim some portion of service from the public schools. The organization of the school day and the program of classes to accommodate such a variety of demand will be a stupendous task. It may be necessary to lengthen the hours the school is in session each day.

Many school principals may be expected to shrink from the task of reorganization. Overall, however, the ingenuity of school principals to adapt and to adjust schedules to changing situations has always been noteworthy. There will be many principals who can accomplish the task, and they must lead the way. Without going into the technicalities of school scheduling, devices for permitting great flexibility are already stock in trade of many expert schedule makers.

*The school week and the school year.* Can the traditional school week of five days and the school year of one hundred eighty days suffice to do an adequate job if part of this time is to be shared with church schools? Probably, if the quality of schooling is not to be reduced, more time must be found on a yearly basis. Although the total time of any child need not be increased, the public school must be kept in session more days per year to provide the variety of service ensuing from this plan. There is already talk of lengthening both the school week and the school year to gain more efficient utilization of the school plant.

*The school plant.* If the plan is adopted extensively, the school plant would probably have to be enlarged. The extension of the school year and the expected part-time withdrawal of Jewish and Protestant children into church school buildings will accommodate some of the expansion. However, in communities with school buildings already

crowded, where large numbers of children now enrolled full time in parochial schools would enter public schools for part-time study, there can be little doubt that more classrooms would be required. In some communities the school plant shortage will be more of a problem than in others.

It should be a hope that common interest in the public school by all people would assure appropriation of needed funds for buildings with greater ease than under present circumstances in which parents and parishioners, burdened with parochial school support and not expecting to use the public school, tend to vote against bond issues for public school buildings.

*The cost.* Although it may be expected there will be some lessening of the use of public schools by Protestant and Jewish children while they are in extended church school sessions, nevertheless, it must be expected that lengthening the school year and the part-time attendance of large numbers of children now in parochial school must inevitably increase the cost to the public. But let us remember that parochial schools claim they are now doing part of the public job for which they ask to be paid. So it must be said that the increased cost of shared time education will be a much lighter drain on the public purse than would the direct subsidy of church schools from public funds. The mad struggle of many church denominations for public funds in the event of breaking down the wall of separation of church and state would most assuredly place an unprecedented burden on the public treasury.

*Basis for state school aid.* Many state laws now prescribe a day's attendance of a child as a basis for state aid to local districts. A school day is defined as a full day. To be equitable, state laws must be adjusted to provide proportionate school aid to local districts enrolling children for part-time attendance.

*School credit.* If shared time is to be implemented, new formulas for recording and transferring credit, for promotion and graduation must be devised. Questions such as the use of public school staff and personnel to record credit for church school subjects must be answered. Will children who have attended parochial school for large portions of time be included in public school graduation exercises? How will promotion be handled? These are knotty problems, but once the idea is generally accepted they will be easily solved.

*Curriculum.* Problems will arise over the curriculum of the public school and the guidance of children in the selection of courses. Control of the



curriculum of the public school must be kept in the hands of public school boards and officials. There must be no interference with local public school boards by church officials attempting to control curriculum. Cooperative effort should be encouraged, and specific church positions on subject matter will, of course, be known. Church personnel should always be respected and the public school must never criticize church dogma. Final authority to determine public school curriculum must always be retained by public officials.

### **A Matter of Urgency and Hope**

No one of the growing number of enthusiasts for shared time dares to predict at this date that the plan can be implemented. Most assuredly it cannot become reality without general public approval. The problems are great and the required reorganization is of staggering proportions. However, school organization has changed in the past, is now in process of change under public pressure, and will continue to change. The current challenge of communism, the criticism of the public schools, the recent action on Federal aid to education with open church participation in the arguments—all these are factors that in one way or another will produce change in the public school structure in the United States. Is it too much to ask that, if there is a chance for strengthening our churches and our society by a new device called "shared time," the idea be submitted to public debate?

### **What Education Do We Really Want For Our Children?**

## **Parochial Schools and the National Common Good**

**JOSEPH E. CUNNEEN**

**T**HE PRESENT MOMENT—when it is clear that no education bills are forthcoming from this session of Congress—hardly provides the serenity and detachment required to review the role and possible future of parochial schools in terms of an overall national good. What is needed now, despite the difficulties of communication, is not recrimination, with a stiffening of attitudes and mutual insistence on "principle," but a continuing effort to ask relevant questions and perhaps to see further into the implications of various unexamined assumptions.

Those of us who have felt that the condition of

The churches and church leadership hold the responsibility of decision whether the plan is submitted for public consideration. Without united church support there is little chance of moving it forward. If there could be an assurance to the public of major Protestant, Jewish and Roman Catholic unity in support of the plan, much of the battle of implementation will have been won.

Further, it is not to be supposed that change in school organization of the proportions here envisioned will come quickly. There must be further intensive study and exploration of the value of the plan. Experimentation must be set up in pilot communities. Patterns of procedure for varying types of situations must be formulated. School officials must be alerted, and through professional meetings and the professional press the proposal must be delineated for educators to consider.

Let it be repeated that there is an urgency to this matter. With current crisis and peril to Judaeo-Christian tradition of such proportion, the people of this country must find a way to educate children without destroying religious freedom and our principle of separation of church and state. A way to nurture religious pluralism without destructive strife must be found. The supposition that the concept of shared time holds promise of common interest and support of the various churches is enough to demand an immediate and full exploration of its merits and its power to unite our people behind a revitalized system of public, parochial and independent schools.

public schools, coupled with community and state inaction and/or incapacity, had made Federal aid overdue have been deeply disappointed. But we cannot overlook the fact that most Roman Catholics felt aggrieved, less probably at the loss of possible financial benefits than at the fact that what was advertised as the first comprehensive national education bill appeared to ignore the contribution that the parochial school system was making to the education of a significant percentage of our youth.

The time has come to ask what we really want for the education of our children, whether we are satisfied with the range of educational choices available in our communities. It is hard to be completely honest in our answer because we are

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nervous about how our words might be used in the immediate argument.

For example, aware of a degree of anti-intellectualism in much current practice prevalent in public schools but knowing they are also blamed for all the evils of American society, we may restrict our energy to resisting vigilante efforts to defeat the local school budget. Alternatively, we may realize that the conception of the parochial school's function as that of "preserving the faith" leads to permanently overcrowded classrooms and a frequent toleration of educational mediocrity, but we suppress such comment in the face of the loaded charge of "divisiveness."

Thus the dispassionate observer, disturbed by much that he sees in the education of *all* our children, judiciously avoids assigning responsibility unilaterally, recognizing the practical difficulties faced in our unprecedented attempt to provide mass education. The cries against "godless education," on the one hand, and "un-American indoctrination," on the other, come from those who have little interest in learning much about the concrete working of the institutions they attack.

### Two Different Religious Stances?

And what do we really want as Christians? Sharing through baptism in the same life of faith, drawing on the same word of God in our worship and meditation, we have a more fundamental basis than mutual civic responsibility to reflect together, not only on over-all educational needs but also on how this common faith is to be handed on to future generations. For the Catholic, this growth in the life of the faith seems to demand some kind of systematic learning, which in turn tends to create specific institutions to make this possible. Despite the growth of parochial education among other Christian bodies, it appears fair to say that Protestant parents, although they share the concern for the education of their children in the life and teaching of Christ, have felt less need for any wholesale supplement to the public school system.

What does this mean? Is it simply a reflection of two different religious stances, the Catholic being more traditionally attracted to the attempt to create directly a Christian structure for society? Are the relative absence of Protestant schools a reflection of traditional suspicion of the role of reason and natural theology? Whatever the answers, we need to consider both the uniqueness of the American Catholic school system in the whole history of the Church and the historical factors that tend to make the Protestant look at the public school as in some special sense his own.

The demand of the Roman Catholic Church that children receive a religious education is an unchanging principle, but the 19th-century American experience indicates that its application might have been different if the public school of that period had not appeared to reflect an undenomi-

national Protestantism. The experiments of Archbishop Ireland and others at that time to make use of the public school system need to be better known; some aspects of them may be unconstitutional, others unfeasible, but they may suggest possibilities that are both principled and practical.

Defenders of the public school often create problems for themselves by making a profession of faith in that institution part of a new form of loyalty oath. We need to ask what modifications of policy are possible in response to a new period in American history when the Americanization of the immigrant is largely at an end, and when changes in population have given rise to new demands. Suggestions that all children should spend half their educational years in a public school need to be closely examined against any suggestion of coercion. And is it not possible that for a parent who feels that the public school is radically unacceptable for his child, a kind of coercion also exists if the alternative is economically prohibitive? It must also be recognized that current pressure for enlarging the parochial school system is not the imposition of the hierarchy on largely unwilling parents, but rather a genuinely popular response by Catholic laymen.

On the other hand, any kind of Catholic irresponsibility to the public school prejudices the strong abstract case that someone like Father John Courtney Murray might make for public funds for religious schools on the basis of distributive justice. Any suggestion that an honest facing up to the critical needs of the vast majority of American schools until Catholic claims, whatever their merits, are met would appear to be inadequate to the demands of both charity and prudence. An analogous concern for the good of the total school population of the individual community must inform the planning of additional parochial schools. A purely automatic implementation of the idea that every parish should have a school must be replaced by a more realistic appraisal of the character and most urgent needs of a given locality. The execution of building programs should be carried out so as to create minimum disruption of the ongoing public school system and to insure adequate financial support for the latter from the total population.

One of the ironies present in much criticism of American Catholic education is the assumption of the outsider that there is some kind of monolithic unity behind what is attempted. Chaos would be a better word to describe the situation in which standards vary from state to state and even within a single diocese, and effective control rests with the principal of the parish school.

A far greater degree of harmony would exist if state and national educational officers could work closely with a national Catholic educational board so that both sides would be regularly appraised of various factors that affect mutual planning for their vast school populations. On the Catholic side, the board should consist chiefly of educators who enjoy the respect of their professional

colleagues. They should have the authority to restrain a pastor or religious superior from building any school that appears to be only a makeshift, or which lacks the resources to provide an adequate (and adequately paid) faculty—which of necessity will include an increasing percentage of laymen—and physical plant. Catholic authorities should also keep in mind that the priest and religious as such has no special educational competence and that although non-Catholic fears of ecclesiastical control of education are exaggerated, they are not without foundation. It would be a contribution both to lay Catholic maturity and the development of greater American understanding of the parochial school situation if this proposed national planning group had a clear majority of laymen.

### What Will Satisfy?

Non-Catholic critics might well ask themselves what kind of response by the Catholic community would be ultimately satisfactory. If it is the disappearance of the parochial school or the acceptance of some kind of legal requirement that a certain kind of common education is obligatory, their criticism is unrealistic and their efforts will almost surely meet a fair-minded American reaction in which their original charges of divisiveness will quite properly boomerang. But Catholics must recognize that the questions may also rise out of the fraternal concern of religiously-committed Protestants because of their genuine anxieties regarding the development of parochial education.

Protestants will be most effective in their protests if they give frank recognition to the inevitable inadequacy of public schools to give the *total* education they also desire for their children and join with the Jewish and Catholic community in a realistic discussion of their varied experiences in attempting to provide religious education for their young people. Catholic intransigence can be changed by the kind of non-Catholic who insists on the value of the common school as a unifying experience for all Americans but still recognizes the problem that it inevitably poses, with the constant danger of implicitly telling the student that it is providing him with a total scheme of values.

Protestant and Jewish friends who recognize that all of us have been inadequate in providing religious formation for our children will be wise in carrying their discussion beyond the narrow constitutional problem. Our common concern goes beyond understandably crucial financial needs. The Supreme Court would probably rule those forms of direct and indirect assistance that have been proposed as unconstitutional, but will the national educational good be served if Catholics gradually abandon in bitterness a greater and greater part of their school effort, still convinced of the essential justice of their claim? Protestants can do a great deal more to explain the principle they feel they are defending; they will help their case

by purifying it of those auxiliary notions such as the concept of church-state "separation" which often becomes an exclusively Protestant-secularist dogma.

The constructive critic can also be useful in becoming more familiar with the parochial schools as they now operate. A sociological analysis such as Father Joseph Fichter's *Parochial School* might prove enlightening, but more work needs to be done by research teams composed of scholars embodying a range of religious attitudes. On the simplest level, the non-Catholic should simply walk into the parochial school and ask to be shown around. Though not a public school, it is not private either, and in a very real sense the entire community already has an investment in it.

Both Catholic and non-Catholic need to meditate more on the implications of the fact that Catholic students are, after all, being educated to take their places as citizens of our democratic society. These schools are already receiving financial relief (surely deserved) in that they are not subject to taxation, nor are various school-related properties (e.g., the convent where teaching nuns reside) and salaries of religious.

Catholics, finally, must ask themselves what kind of response by the general community would be finally satisfactory. The claims of distributive justice may be frightening if no clear limit is placed on them. But even apart from legal and popular resistance to any considerable financial support for parochial schools, we might withdraw a moment from the necessities of lobbying and consider if this is really what we want. Even if we could muster the financial resources, whether from more bingo or from the public treasury, would it advance either the reign of Christ or the educational good for America to have every Catholic child in a Catholic school?

### Challenge for a Lay Apostolate

All probable indications suggest that our hypothetical statement of alternatives is meaningless, and that even if in some financially minimal way "the wall of separation" is breached—which, of course, will not seem minimal in principle to many fair-minded Americans—it will not materially affect the virtual certainty that the already-existing majority of Catholic students in public schools (including total grammar and high school enrollments) will become an even higher percentage of the total Catholic student body by 1980. These students cannot be abandoned to some kind of second-class citizenship in the church. Pastoral concern alone demands that Catholics more fully and positively commit themselves to the good of the public school. They must see to it that, however inadequate public school "neutrality" may be, this neutrality need not be closed to the transcendent. In such efforts, not much reliance should be placed on efforts at working out some kind of American religious consensus. It must also be remembered that the rights of agnostic and other non-believing



parents reside in a deeper area than current legal opinion.

The inadequacy of current released time projects should be frankly stated, but this should not prevent Catholics and other interested groups from more serious efforts in the same direction, even if they must be carried on at considerable inconvenience for parents, children and the parish. Is any constitutional question raised by running the school day a half-hour longer through the week, and halting class at noon on Friday, leaving Catholics (and others) to provide at least a three-hour session on that one day, which would still be a minimum of religious instruction?

Non-Catholics ought to be able to admit that it is not out of lack of concern for religious freedom that Catholics point to the various examples of public funds to denominational schools in various European countries, notably Holland. But Catholics must leave their abstract realm of justice and recognize the real possibility that a claim to any considerable share of public funds in America may seriously weaken public education, and in various regions destroy it, to the point that the implementation of our claim would amount to injustice. We might also do well to have a bolder confidence that we have a contribution to make to the public school in the lives and ideas of Catholic teachers, administrators and students. Fed more fully by a liturgically active parish with a concern for the religious education of its adults, they might see this uniquely American institution as perhaps the most significant challenge for a vigorous lay apostolate.

Surely, if the Church is to have an impact in making Christianity seem relevant as a live alternative in an increasingly secularized America, it cannot so place its reliance on its separate institutions that it is, in effect, restricted to a kind of separatist existence. There ought to be room in America's current educational crisis for the existence of a considerable flowering of Catholic schools, though it is interesting that both Catholic parents and educators are increasingly calling for more high schools, with perhaps gradual abandonment of any considerable contribution to grammar school education. In any case, it should at least be clear that our primary effort now must be to continue the healthy self-criticism and radical raising of educational standards in the Catholic schools that now exist, rather than a mere automatic proliferation of more schools with the cynical assumption that any building with a cruci-

fix in each classroom necessarily provides better training than the public school alternative.

Ultimately, the Catholic educational emphasis arises out of the healthy insistence on the rights and responsibilities of parents. It is we who are to educate our children as Christians. As we recognize our inadequacies, we must learn—for the good of America as well as for what we believe to be the religious needs of our children—what our dedicated friends in public education and what our Jewish friends and separated Christian brothers can say and do to help us better meet our total responsibilities. We are deeply convinced that at present neither parochial nor public schools are giving us as much help as they can.

Above all, as Catholics we ask the church to do more through its ordinary teaching and through the revitalization of parish life to make the church more fully a conscious community of worship. This will help us as more adult Christians to provide a better religious education for our children. It appears to many of us that when such an emphasis is made primary, Catholics will become increasingly active in a common effort to separate the secularist aspects of our public schools from the positive secular values of the temporal world that the schools also embody. For it is to this temporal world, after all, that the Christian parent as lay witness must be especially present if he is to do his part in continuing the work of the Incarnation.

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